

Hot Issue Paper

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Issue/Topic:

West Virginia State University (WVSU) is considering filing a lawsuit against Dow Chemical for alleging damages from groundwater contamination migrating from the Union Carbide Corp. – Institute facility to WVSU property. EPA and WVDEP are currently overseeing work at the UCC/Dow Institute (Institute) facility for the investigation and remediation of the site. The work at the Facility is governed by a Resource Conservation and Recovery Act (RCRA) Permit issued by EPA. Groundwater from the Institute facility flows across the eastern boundary towards the Kanawha River. WVSU owns the property adjacent to the eastern property boundary of Institute. The groundwater from Institute contains elevated concentrations of contaminants.

Background:

Since the issuance of the Permit in 1991, Institute has implemented multiple phases of soil and groundwater investigation identifying areas [Solid Waste Management Units (SWMUs)] requiring remediation. The facility has implemented an air sparging/soil vapor extraction system to remediate soils and groundwater in two source areas containing elevated concentrations of volatile organic compounds. Approximately 80 tons of tar-like material was excavated and removed from SWMU 1. Finally, the facility completed repair of soil cover over two fly ash landfills: SWMU 2 and 6. Institute completed site investigations by collecting pore-water and sediment sampling of the Kanawha River and concluded there are no adverse impacts. Vapor intrusion studies were conducted at selected locations throughout the facility and no impacts have been detected.

Update:

VOCs and semivolatile organic compounds (SVOCs) are detected in shallow and deep groundwater monitoring wells on the Institute facility. The results of an initial investigation at the former West Virginia Rehabilitation Center property conducted in March 2013 concluded that constituents of potential concern (COPCs) detected at the Institute Facility likely migrated beneath the adjacent eastern property boundary. The Rehabilitation Center property was transferred to WVSU in May 2013. Though COPCs were detected in groundwater at the former Rehabilitation Center at concentrations above applicable, risk-based drinking water and vapor intrusion (VI) screening levels, exposure pathways are incomplete; there are no drinking water wells and no occupied structures.

Additional phases of investigations occurred at the WVSU property in October 2014, February 2015, June-August 2015, and January 2016. Eleven monitoring wells were installed on the WVSU property and sampled for COPCs in mid-2015. A total of 65 groundwater samples were collected and analyzed from shallow and deeper groundwater on the Institute site and the WVSU

property between 2013 and 2016 to assess impacts and risk to the WVSU property. The results were reported in the UCC Institute Eastern Property Boundary RCRA Corrective Action Investigation, Phase II through Phase V, submitted April 18, 2016 and approved by EPA in a letter dated July 18, 2016.

Political Interest (local/state/federal):

WVDEP and EPA are engaged.

Follow-Up:

The long time EPA project manager for the Institute site retired March 31, 2017. Institute had submitted a Corrective Measures Study (CMS) in December 2016 proposing a final site-wide remedy. The newly appointed EPA project manager is scheduled for a site visit and meeting the last week of May 2016 to discuss issues with the CMS.